

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2008-0190-AIR-E TCEQ ID: RN102888328 CASE NO.: 35324
RESPONDENT NAME: Sunoco, Inc. (R&M)

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Sunoco R&M La Porte Plant, 8811 Strang Road, La Porte, Harris County</p> <p>TYPE OF OPERATION: Petrochemical manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2008-0643-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on August 18, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Gerald Crawford, Environmental Engineer, Sunoco, Inc. (R&M), 8811 Strang Road, La Porte, Texas 77572 Mr. Calvin Greene, Environmental Superintendent, Sunoco, Inc. (R&M), 8811 Strang Road, La Porte, Texas 77572 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: November 26, 2007</p> <p>Date of NOV/NOE Relating to this Case: December 14, 2007 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>AIR</p> <p>Failure to prevent unauthorized emissions. Specifically, 168.77 pounds ("lbs") of propylene, 112.12 lbs of carbon monoxide, and 12.8 lbs of nitrogen oxide were released due to lack of flow of additive to the reaction process which caused plugging, resulting in an emissions event that occurred on October 13, 2006, and lasted for four hours (Incident No. 98899). Since this emissions event was avoidable, the Respondent failed to meet the demonstrations necessary for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(c), TCEQ Air Permit No. 5572B, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$4,850</p> <p>Total Deferred: \$970 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$3,880</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. On October 13, 2007, the flow of additive to the reactor was corrected and restarted; and</p> <p>b. On October 31, 2007, the incident and responsibilities were reviewed with each of the shift operators.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, generate procedures to shutdown reactor feeds when the flow of additive is lost for fifteen minutes; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s): HG0825G



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

TCEQ

DATES

Assigned

17-Dec-2007

PCW

28-Jan-2008

Screening

11-Jan-2008

EPA Due

8-Sep-2008

RESPONDENT/FACILITY INFORMATION

Respondent Sunoco, Inc. (R&M)

Reg. Ent. Ref. No. RN102888328

Facility/Site Region 12-Houston

Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No. 35324

Docket No. 2008-0190-AIR-E

Media Program(s) Air

Multi-Media

No. of Violations 1

Order Type 1660

Enf. Coordinator Nadia Hameed

EC's Team Enforcement Team 5

Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$2,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

94% Enhancement

Subtotals 2, 3, & 7

\$2,350

Notes

Penalty enhancement due to three 1660 agreed orders with denial of liability, six same or similar NOV's and two non-similar NOV's.

Culpability

No

0% Enhancement

Subtotal 4 \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0%

Reduction

Subtotal 5 \$0

Before NOV

NOV to EDRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

0% Enhancement*

Subtotal 6 \$0

Total EB Amounts \$87

Approx. Cost of Compliance \$1,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal \$4,850

OTHER FACTORS AS JUSTICE MAY REQUIRE

0%

Adjustment

\$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$4,850

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$4,850

DEFERRAL

20%

Reduction

Adjustment

-\$970

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$3,880

Screening Date 11-Jan-2008

Docket No. 2008-0190-AIR-E

PCW

Respondent Sunoco, Inc. (R&M)

Policy Revision 2 (September 2002)

Case ID No. 35324

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN102888328

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	6	30%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 94%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Penalty enhancement due to three 1660 agreed orders with denial of liability, six same or similar NOVs and two non-similar NOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 94%

Screening Date 11-Jan-2008		Docket No. 2008-0190-AIR-E		PCW		
Respondent Sunoco, Inc. (R&M)		Policy Revision 2 (September 2002)				
Case ID No. 35324		PCW Revision November 6, 2007				
Reg. Ent. Reference No. RN102888328						
Media [Statute] Air						
Enf. Coordinator Nadia Hameed						
Violation Number		<input type="text" value="1"/>				
Rule Cite(s)		30 Tex. Admin. Code § 116.115(c), TCEQ Air Permit No. 5572B, Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b)				
Violation Description		<p>Failed to prevent unauthorized emissions. Specifically, 168.77 pounds ("lbs") of propylene, 112.12 lbs of carbon monoxide, and 12.8 lbs of nitrogen oxide were released due to lack of flow of additive to the reaction process which caused plugging, resulting in an emissions event that occurred on October 13, 2006, and lasted for four hours (Incident No. 98899). Since this emissions event was avoidable, the Respondent failed to meet the demonstrations necessary for an affirmative defense in 30 Tex. Admin. Code § 101.222.</p>				
Base Penalty					<input type="text" value="\$10,000"/>	
>> Environmental, Property and Human Health Matrix						
OR	Harm			Percent	<input type="text" value="25%"/>	
	Release	Major	Moderate			Minor
	Actual	<input type="text"/>	<input type="text"/>			<input checked="" type="text" value="x"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		
>> Programmatic Matrix						
Matrix Notes	Falsification	Major	Moderate	Minor	Percent	<input type="text" value="0%"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>		
	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.					
Adjustment					<input type="text" value="\$7,500"/>	
					<input type="text" value="\$2,500"/>	
Violation Events						
Number of Violation Events		<input type="text" value="1"/>		Number of violation days		
		<input type="text" value="1"/>				
mark only one with an x	daily	<input type="text"/>		Violation Base Penalty	<input type="text" value="\$2,500"/>	
	monthly	<input type="text"/>				
	quarterly	<input checked="" type="text" value="x"/>				
	semiannual	<input type="text"/>				
	annual	<input type="text"/>				
	single event	<input type="text"/>				
One quarterly event is recommended.						
Economic Benefit (EB) for this violation			Statutory Limit Test			
Estimated EB Amount		<input type="text" value="\$87"/>		Violation Final Penalty Total		
				<input type="text" value="\$4,850"/>		
This violation Final Assessed Penalty (adjusted for limits)					<input type="text" value="\$4,850"/>	

Economic Benefit Worksheet

Respondent Sunoco, Inc. (R&M)
Case ID No. 35324
Reg. Ent. Reference No. RN102888328
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	13-Oct-2006	9-Jul-2008	1.7	\$87	n/a	\$87

Notes for DELAYED costs

Estimated cost of changes in procedures and operator training to ensure that the correct amount of additive is added to the reaction process. Date required is the date of the emissions event. Final date is the date the corrective actions are expected to be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$87

Compliance History

Customer/Respondent/Owner-Operator: CN601179914 Sunoco, Inc. (R&M) Classification: AVERAGE Rating: 4.78
 Regulated Entity: RN102888328 SUNOCO R&M LA PORTE PLANT Classification: AVERAGE Site Rating: 3.85

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1011175
 INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD098200637
 GENERATION
 INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # 31010
 GENERATION (SWR)
 AIR OPERATING PERMITS ACCOUNT NUMBER HG0825G
 AIR OPERATING PERMITS PERMIT 1424
 AIR NEW SOURCE PERMITS PERMIT 5572B
 AIR NEW SOURCE PERMITS PERMIT 53042
 AIR NEW SOURCE PERMITS PERMIT 5572C
 AIR NEW SOURCE PERMITS PERMIT 40591
 AIR NEW SOURCE PERMITS PERMIT 41949
 AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0825G
 AIR NEW SOURCE PERMITS AFS NUM 4820100485
 AIR NEW SOURCE PERMITS REGISTRATION 70549
 AIR NEW SOURCE PERMITS PERMIT 54401
 AIR NEW SOURCE PERMITS REGISTRATION 81336
 WATER LICENSING LICENSE 1011175
 PETROLEUM STORAGE TANK REGISTRATION 24175
 REGISTRATION
 IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # 31010
 (SWR)

Location: 8811 STRANG RD, LA PORTE, TX, 77572 Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: January 11, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 10, 2003 to January 10, 2008

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: NHameed Phone: 713-767-3629

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 03/05/2004

ADMINORDER 2003-0177-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 115, SubChapter D 115.352(2)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-10(g)(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(c)(2)

40 CFR Part 60, Subpart DDD 60.562-2(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to make the first attempt to repair leaking components with tag numbers 70628.02, 70005, 70037, 71814, and 70007 within five calendar days after the leak was discovered.

Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to document daily flare observation for EPNs Flare-1 and Flare-2, including the time of day

and whether or not the flare was smoking.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC3 PERMIT

Description: Failed to meet the combined emission limit of 23.2 lbs. of VOCs per million lbs. of polypropylene for EPNs 113 and 114, by emitting 39 lbs of VOCs per million lbs. of polypropylene from EPNs 113 and 114 on July 15, 2002.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition Nos. 22(e)(1) and (4) PERMIT

Description: Failed to record in the sample result records for EPNs 113 and 114 the time that each VOC sample was taken and the total VOCs emitted to the atmosphere.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)

5C THC Chapter 382, SubChapter A 382.0518(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to obtain a permit or permit-by-rule for dry abrasive cleaning operations at the plant.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(5)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to document the reason for delay of repair for leaking fugitive components not repaired within fifteen days.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

40 CFR Part 60, Subpart Db 60.49b(a)(1)

40 CFR Part 60, Subpart Db 60.49b(a)(2)

40 CFR Part 60, Subpart Db 60.49b(a)(3)

40 CFR Part 60, Subpart Db 60.49b(a)(4)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit a complete initial start-up notification for C-Boiler (EPN-120) by October 9, 1999.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)

40 CFR Part 60, Subpart Db 60.48b(e)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 20(B) PERMIT

Description: Failed to use a certified nitric oxide gas cylinder during the February 27, 2002 cylinder gas audit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.564(d)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to conduct testing of the emissions from EPN 110 to determine compliance with the individual stream exemptions.

Effective Date: 10/24/2005

ADMINORDER 2005-0188-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit No. 5572B, SC #1 PERMIT

Description: Failed to limit emissions from the C-flare (EPN 140) in the C-Line Unit to those authorized by the permit.

Effective Date: 07/14/2006

ADMINORDER 2005-0794-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to submit an emissions event report for the exceedance of the estimated emissions as a result of a scheduled startup activity.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit #5572B, SC#1 PERMIT

Description: Sunoco failed to submit an emissions event report for the exceedance of the estimated emissions as a result of a scheduled startup activity.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	07/13/2003	(35184)
2	08/29/2003	(119531)
3	12/17/2003	(252763)
4	12/17/2003	(252730)
5	03/17/2004	(260854)
6	05/17/2004	(251876)
7	06/22/2004	(266994)
8	06/22/2004	(266995)
9	08/23/2004	(265841)
10	08/28/2004	(266466)
11	08/28/2004	(267569)
12	08/28/2004	(265810)
13	08/29/2004	(265566)
14	08/31/2004	(290571)
15	09/01/2004	(279190)
16	10/22/2004	(337799)
17	10/25/2004	(291973)
18	11/11/2004	(290630)
19	12/20/2004	(343600)
20	01/07/2005	(339390)
21	01/18/2005	(336630)
22	02/11/2005	(336628)
23	04/18/2005	(373760)
24	05/02/2005	(375166)
25	05/04/2005	(378176)
26	05/06/2005	(379885)
27	07/13/2005	(399795)
28	07/13/2005	(399616)
29	07/27/2005	(401628)
30	07/27/2005	(401452)
31	07/27/2005	(400065)
32	08/10/2005	(404050)
33	08/24/2005	(404759)
34	08/25/2005	(405746)
35	08/29/2005	(405386)
36	11/28/2005	(431292)
37	02/10/2006	(453301)
38	02/21/2006	(453967)
39	02/23/2006	(455885)
40	02/25/2006	(456917)
41	02/28/2006	(456491)
42	02/28/2006	(457028)
43	02/28/2006	(457168)
44	04/11/2006	(457719)
45	04/28/2006	(463982)
46	05/26/2006	(461009)
47	06/06/2006	(467462)

48	07/10/2006	(466004)
49	07/10/2006	(483608)
50	07/14/2006	(484670)
51	07/31/2006	(456185)
52	08/04/2006	(380088)
53	08/18/2006	(509314)
54	09/01/2006	(489141)
55	09/11/2006	(511595)
56	09/18/2006	(511640)
57	09/19/2006	(512017)
58	09/21/2006	(512001)
59	10/11/2006	(467414)
60	10/31/2006	(516691)
61	02/26/2007	(537781)
62	03/21/2007	(540253)
63	04/11/2007	(555880)
64	08/03/2007	(570285)
65	08/10/2007	(570396)
66	08/10/2007	(570893)
67	08/14/2007	(568525)
68	08/23/2007	(571862)
69	08/28/2007	(571898)
70	09/21/2007	(594295)
71	11/05/2007	(574201)
72	11/05/2007	(599586)
73	11/08/2007	(599585)
74	12/14/2007	(600238)
75	01/08/2008	(613592)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date	08/29/2003	(119531)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			
Description:	Failure to control unauthorized emissions from the Hexane and Propylene Distillation Unit during an emissions event.			
Date	08/23/2004	(265841)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter F 101.211(c) 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)			
Rqmt Prov:	PERMIT TCEQ Air Permit No. 5572B, SC #1			
Description:	Failed to submit a copy of a final record for a scheduled maintenance activity.			
Date	08/28/2004	(267569)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter F 101.211(a) 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)			
Rqmt Prov:	PERMIT TCEQ Air Permit No. 5572B, SC #1			
Description:	Sunoco failed to report an emissions event.			
Date	07/27/2005	(400065)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.116(a)(1)			
Description:	Failure to represent the emissions from A/B Flare properly in the Permit Application dated November 22, 2002.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)			
Rqmt Prov:	PERMIT 5572B SC No.9 OP O-01424, SC 8			
Description:	Failure to unload tanks within the permit allocated time period			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 115, SubChapter H 115.783(5) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)			
Rqmt Prov:	PERMIT 5572B, SC 18.E OP O-01424, SC 1A & 8			
Description:	Failure to cap or plug the 115 open ended lines in B-line Unit and 67 open ended lines in C-line Unit during the certification period.			

Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.145(2)(C)		
Description:	Failure to submit the deviation report within 30 days after the end of the six months reporting period from February 2, 2004 through August 2, 2004.		
Date	05/30/2006 (461009)		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PA 5572B, Special Condition #1		
Description:	Failure to prevent venting of unauthorized emissions to the flare due to partially plugged make up water heat exchanger.		
Date	07/10/2006 (466004)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT No. 5572B, Special Condition 1		
Description:	Failure to prevent unauthorized emissions		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.211(c)		
Description:	Failure to submit final report for a scheduled startup activity no later than two weeks after the end of the scheduled startup.		
Date	07/14/2006 (484670)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	Failure to prevent unauthorized emissions.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.211(c)		
Description:	Failure to submit the final report for the scheduled maintenance activity in a timely manner.		
Date	08/14/2007 (568525)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(C) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	OP General Terms and Conditions		
Description:	Failure to submit a deviation report by the submittal due date.		

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
SUNOCO, INC. (R&M)
RN102888328**

§ **BEFORE THE**
§
§ **TEXAS COMMISSION ON**
§
§ **ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2008-0190-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Sunoco, Inc. (R&M) ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a petrochemical manufacturing plant at 8811 Strang Road in La Porte, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 19, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Four Thousand Eight Hundred Fifty Dollars (\$4,850) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand Eight Hundred Eighty Dollars (\$3,880) of the administrative penalty and Nine Hundred Seventy Dollars (\$970) is deferred

contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On October 13, 2007, the flow of additive to the reactor was corrected and restarted; and
 - b. On October 31, 2007, the incident and responsibilities were reviewed with each of the shift operators.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TCEQ Air Permit No. 5572B, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on November 26, 2007. Specifically, 168.77 pounds ("lbs") of propylene, 112.12 lbs of carbon monoxide, and 12.8 lbs of nitrogen oxide were released due to lack of flow of additive to the reaction process which caused plugging, resulting in an emissions event that occurred on October 13, 2006, and lasted for four hours (Incident No. 98899). Since this emissions event was avoidable, the Respondent failed to meet the demonstrations necessary for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Sunoco, Inc. (R&M), Docket No. 2008-0190-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, generate procedures to shutdown reactor feeds when the flow of additive is lost for fifteen minutes; and
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Sunoco, Inc. (R&M)
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

Date

8/25/2008

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Date

CALVIN GREENE

ENVIRONMENTAL SUPERINTENDENT

Name (Printed or typed)
Authorized Representative of
Sunoco, Inc. (R&M)

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

